

**TKHR****THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.****ATTORNEYS AT LAW**

100 Galleria Parkway, NW  
 Suite 1750  
 Atlanta, GA 30339-5948  
 Telephone: (770) 933-9500  
 Facsimile: (770) 951-0933  
[www.tkhr.com](http://www.tkhr.com)

RECEIVED  
 CENTRAL FAX CENTER  
 JUN 21 2005

*Cynthia J. Lee, Esq.*  
 (770) 933-9500

*Cynthia.lee@tkhr.com*

**FACSIMILE TRANSMISSION**

June 21, 2005

[50220-1162]

**TO**  
**USPTO**  
**Attn: Examiner Peter A. Szekely**

**FROM**  
**Cynthia J. Lee, Esq.**

**FAX: 703-872-9306****FAX: 770-951-0933****TEL:****TEL: 770-933-9500**

**RE: U.S. Patent Application**  
**Serial No.: 10/649,595; Filed: August 26, 2003**  
**Title: Antimicrobial Compositions Containing Colloids of Oligodynamic Metals**  
**Our Ref.: 50220-1162**

**Number of Pages (Including This Cover Sheet): - [ 6 ] - Page(s)**  
**PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES.**

**CONFIDENTIAL**

The information in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

---

INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

◆ Atlanta, Georgia ◆ Huntsville, Alabama ◆

PAGE 1/6 \* RCVD AT 6/21/2005 3:32:41 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/7 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):01:54

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-04)  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Transmission

6

Application Number	10/649,595
Filing Date	August 26, 2003
First Named Inventor	Richard N. Terry
Art Unit	1714
Examiner Name	Szekely, Peter A.
Attorney Docket Number	50220-1162

### ENCLOSURES (Check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment/Reply
  - After Final
  - Affidavits/declaration(s)
  - Extension of Time Request
  - Express Abandonment Request
  - Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
  - Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation  
Change of Correspondence Address  
Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)
- Landscape Table on CD

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (Please Identify Below): Certificate Establishing Right of Assignee to Take Action

Remarks: The Commissioner is authorized to charge any fees that may be required by these papers, and to credit any overpayment to Deposit Account No. 20-0778 in the name of Thomas, Kayden, Horstemeyer & Risley LLP.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual

Cynthia J. Lee, Reg. No. 46,033  
Thomas, Kayden, Horstemeyer & Risley, L.L.P. 100 Galleria Parkway, Suite 1760  
Atlanta, Georgia 30338-5848 Tel. (770) 833-9500 Fax (770) 851-0833 Customer No. 24504

Signature

*Cynthia J. Lee*

Date

*June 21, 2005*

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (703) 872-9306 on this date: June 21, 2005

Typed or printed **Jennifer Ponemon**

Signature *J. Ponemon*

Date *6/21/05*

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1.22 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PAGE 26 \* RCVD AT 6/21/2005 3:32:41 PM [Eastern Daylight Time] \* SVR:USPTO-EFTR-1/7 \* DNI:8729306 \* CSD: \* DURATION (mm:ss):01:54

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Richard N. Terry  
Application Serial No.: 10/649,595  
Filed: August 26, 2003  
For: Antimicrobial Compositions Containing Colloids of Oligodynamic Metals  
Patent No.: To be assigned  
Issue Date: To be assigned

RECEIVED  
CENTRAL FAX CENTER  
JUN 21 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above-identified:

application,  
 patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

I/we hereby appoint all of the following attorneys and agents of Thomas, Kayden, Horstemeyer & Risley, LLP, who are listed under the USPTO Customer Number shown below as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys and agents listed under that Customer Number may be changed from time to time at the sole discretion of Thomas, Kayden, Horstemeyer & Risley, LLP, and request that all correspondence be addressed to the address filed under the same USPTO Customer Number.

**24504**

Direct correspondence and telephone calls to:

**David R. Risley, Esq.**  
**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**  
100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339  
770-933-9500

**ASSIGNEE OF ENTIRE INTEREST**

**C. R. BARD, INC.**  
730 Central Avenue  
Murray Hill, New Jersey 07974

**ASSIGNEE CERTIFICATION**

The certification under 37 C.F.R. §3.73(b) establishing the right of assignee to take action is attached hereto along with documentation evidencing same.

*Jean F. Miller*  
Jean F. Miller  
Assistant Corporate Secretary

Date: June 7, 2005

Docket No.: 050220-1162

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Richard N. Terry

Application Serial No.: 10/649,595

Filed: August 26, 2003

For: Antimicrobial Compositions Containing Colloids of Oligodynamic Metals

Patent No.: To be assigned

Issue Date: To be assigned

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

**IDENTIFICATION OF ASSIGNEE**

2. The assignee of this matter is:

**C. R. BARD, INC.**  
730 Central Avenue  
Murray Hill, New Jersey 07974

**PERSON AUTHORIZED TO SIGN**

3. Jean F. Miller  
Assistant Corporate Secretary

4. A chain of title from the inventor(s) to the current assignee is shown below:

a. From: Richard N. Terry  
To: C. R. Bard, Inc.  
Recorded in PTO: Reel: 014957 Frame: 0326

**DECLARATIONS**

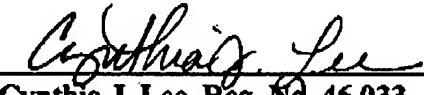
5. I, the undersigned, have reviewed all the documents in the chain of title of the

application  
 patent

matter identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7. I, the person signing below, aver that I am empowered to sign this statement on behalf of the assignee.

  
\_\_\_\_\_  
Cynthia J. Lee, Reg. No. 46,033

Tel. No. 770-933-9500  
Customer No.: 24504

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948

Docket No. 050220-1162